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EXAMINER

GRENDZYNSKI, MICHAEL E

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 07/03/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/591,075

Applicant(s)

SCHULZ ET AL.

Examiner

Michael E. Grendzynski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 24 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The exact composition of the coating layer is unclear. Claim 1 indicates the particles comprise a polymer selected from the group consisting of (1) cross-linked homopolymers and copolymers of N-vinyl lactams, (2) homopolymers and copolymers of N-vinylimidazoles, (3) homopolymers and copolymers polyvinylpyridine, and (4) combinations thereof. Claims 24 or 27 define the particles as comprising polymers not claimed in the independent claim. Did applicants intend for the coating to *further* comprise these particles? Does the layer comprise only these particles? Clarification is requested.

### *Claim Rejections - 35 USC § 103*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 2, 7-11, 15-34, 35-40, 42, 44, 45, and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustafson (US 6251512) in view of the Tyvek® Product Bulletin. Applicants argue that the reference is disqualified as prior art under the AIPA. The reference is disqualified only when it has been established that common ownership existed at the time the later invention was made. A statement of present common ownership is not sufficient. *See* MPEP § 706.02(1)(2). Consequently, the current statement is insufficient to establish ownership. Once ownership has been appropriately established, this rejection will be withdrawn.

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5. Claims 1, 7-10, 15-21, 24-35, 37-43 and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kronzer (US 5925712) in view of the Luvicross® Product Bulletin. Applicants claim inkjet receptive media comprising (1) a porous substrate comprising synthetic fibers and (2) a coating overlaying the substrate including organic particles comprising a polymer selected from the group consisting of cross-linked (a) homopolymers and copolymers of N-vinyl lactams, (b) homopolymers and copolymers of N-vinylimidazoles, (c) homopolymers and copolymers polyvinylpyridine, and (d) combinations thereof. Kronzer discloses an ink receptive article comprising a substrate and an ink-receptive coating thereon. *See* Abstract. The substrate is equivalent to applicant's porous substrate comprising synthetic fibers—it comprises randomly intertangled synthetic fibers via spunbonding/spunlacing. *See* col. 3, ll 1-65. The ink-receptive coating is comprises a binder (e.g., acrylic or ethylene vinyl acetate) and organic (e.g., polyamide) or inorganic (e.g., silica) particles. *See* col. 4, l 26-54 and col. 5, l 15-17. While not limiting the filler particles which may be present in the ink-receptive coating, Kronzer does not specifically disclose the use of particles comprising homopolymers or copolymers of polyvinylpyrrolidone or vinylimidazoles. The Luvicross® Product Bulletin teaches that its Luvicross VI or VI-M particles comprise copolymers of polyvinylpyrrolidone and vinylimidazole, and that they are used advantageously both as ink-fixing/solvent-fixing pigments and as components of coating formulations for ink jet papers and films. *See* Product Bulletin, pp 26 and 29. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the Luvicross® VI or VI-M particles in the ink-receptive coating of Kronzer, motivated by the desire of providing a component that would function to fix ink jet ink printed thereon, as taught by the Luvicross® Product Bulletin on p 29.

With regard to claims 15-17, the Luvicross® Product Bulletin discloses that its particles possess a size within applicant's claimed size. *See* Bulletin at p 27.

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With respect to claim 18, since Kronzer discloses that its nonwoven web is created using the identical process to that of the instant invention, it is inherent that it possesses the claimed pore size. In addition, the experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. Porosity of a substrate is conventional concern in the art. It is well known to control the rate of ink absorption (e.g., the larger pores, the more ink and pigment that is allowed to traverse the substrate). A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney*, 205 USPQ 215. To date, this burden has not been sustained.

With respect to claims 19-21, *see* col. 4, ll 62-65 and col. 5, ll 34-37.

With respect to claims 28-32, since the Luvicross® particles are identical to the particles used by applicants, it is inherent the particles possess the claimed water absorbing capacity.

With respect to claims 33-34, Kronzer discloses a coating weight within applicant's claimed range.

With regards to claim 35, it is obvious to provide an adhesive layer to *any* surface, motivated by the desire of laminating that surface to a secondary support.

With regard to claims 37 and 41-43, Kronzer discloses that its ink-receptive coating comprises a binder such as an acrylic, an ethylene vinyl acetate or polyvinyl alcohol. *See* Example 1.

With regard to claims 38-40, Kronzer discloses the presence of a binder within the amount claimed by applicant. *See* col. 4, ll 17 and ll 55-65.

With regard to claims 47-49, *see* Example 1.

6. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kronzer (US 5925712) in view of the Luvicross® Product Bulletin, as applied above, in further view of Dolsey (US 6120888). Thermoplastic fibers such as polyolefins, polypropylene, polyester and polyamide are well

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known synthetic fibers used in forming nonwoven webs. *See* Dolsey at col. 7, l 16 though col. 8, l 12. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to use these fibers as the fiber in the Kronzer nonwoven web.

7. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kronzer (US 5925712) in view of the Luvicross® Product Bulletin, as applied to claims 1, 7-10, 15-21, 24-35, 37-43 and 47-49, above, in further view of Cohausz (DE 2909276). It obvious to perforate a sheet, motivated by the desire to facilitate tearing of the sheet. *See* Abstract.

8. Claims 1-5, 7, 8, 10, 13, 15-43 and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose in view of the Luvicross® Product Bulletin (US 6203899). Hirose discloses a printing medium comprising, in order, (1) a base material, (2) an ink receiving layer, and (3) a surface layer. *See* Abstract. The base material is equivalent to applicant's porous substrate comprising synthetic fibers—it includes fibers comprising polyester, nylon or acrylic. *See* col. 10, ll 15-20. The ink-receiving layer, moreover, is equivalent to applicants coating layer. It comprises a binder, inorganic pigments (e.g., alumina or silica), and/or organic pigments. *See* col. 5, ll 54-67. While not limiting the filler particles that may be present in the ink-receptive coating, Hirose does not specifically disclose the use of particles comprising homopolymers or copolymers of polyvinylpyrrolidone or vinylimidazoles. The Luvicross® Product Bulletin teaches that its Luvicross VI or VI-M particles comprise copolymers of polyvinylpyrrolidone and vinylimidazole, and that they are used advantageously both as ink-fixing/solvent-fixing pigments and as components of coating formulations for ink jet papers and films. *See* Product Bulletin, pp 26 and 29. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the Luvicross® VI or VI-M particles as the organic particles in the ink-receptive coating of Hirose, motivated by the desire of providing a component that would function to fix ink jet ink printed thereon, as taught by the Luvicross® Product Bulletin on p 29.

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With respect to claims 2-5, the experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. The ratio of organic to inorganic pigment in a receptive layer is a conventional concern in the art, for it controls the ink-receiving and optical properties of the layer. *See Hirose* at col. 5, ll 33-41. Consequently, it would be obvious to optimize. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney*, 205 USPQ 215. To date, this burden has not been sustained.

With respect to claims 8-9, "even though product-by process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 227 USPQ 964, 966. Once the Examiner provides a rationale tending to show that the claimed product appears to be the same or similar to that of the prior art, although produced by a different process, the burden shifts to applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product. *In re Marosi*, 710 F.2d 798, 802, 218 USPQ 289, 292 (Fed. Cir. 1983). *See* MPEP §2113.

With regard to claims 15-17, the Luvicross®® Product Bulletin discloses that its particles possess a size within applicant's claimed size. *See* Bulletin at p 27.

With specific regard to claim 18, the experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. Porosity of a substrate is a conventional concern in the art, for it controls the ink-absorbing property of the substrate. Consequently, it would be obvious to optimize. A prima facie case of obviousness may be rebutted, however, where the results of the

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optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney*, 205 USPQ 215. To date, this burden has not been sustained.

With specific regard to claims 19-21, *see* col. 11, ll 26-56.

With specific regard to claims 28-32, since the Luvicross® particles are identical to the particles used by applicant, it is inherent the particles possess the claimed water absorbing capacity.

With specific regard to claims 32-34, Hirose discloses a coating weight of its surface layer within applicant's claimed ranges. *See* col. 11, ll 1-3.

With specific regard to claims 32-34, Hirose discloses a coating weight of its ink-receptive layer within applicant's claimed weight values. *See* col. 10, ll 55-57.

With regard to claim 35, it is obvious to provide an adhesive layer to *any* surface, motivated by the desire of laminating that surface to a secondary support.

With regard to claim 36, it is obvious to add perforations to any substrate, motivated by the desire of enabling the separation of the substrate.

With regard to claims 38-40, Hirose discloses that its binder present in an amount within applicant's claimed ranges. *See* col. 6, ll 4-7.

With regard to claims 41-43, *see* col. 6, ll 1-3 and col. 4, ll 44-54.

With specific regard to claims 47-49, Hirose discloses that its ink-receiving layer may be imaged via an ink jet printing process using an aqueous ink. *See* col. 11, ll 26-60.

9. Claims 11-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose (US 6203899) in view of the Luvicross® Product Bulletin, as applied to claims 1-5, 7, 8, 10, 13, 15-43 and 47-49 above, in further view of Dolsey (US 6120888). Dolsey teaches that polyolefins and polyamides are known equivalents for other thermoplastic polymers such as polyesters. *See* col. 7, l 16 though col. 8, l 12. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to



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use fibers comprising polyamide or polyolefins as the hydrophobic fibers in the Hirose substrate, since they are art-taught equivalents, known to possess similar properties to that of polyester.

10. Claims 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose (US 6203899) in view of the Luvicross® Product Bulletin, as applied to claims 1-5, 7, 8, 10, 13, 15-43 and 47-49 above, in further view of Hasegawa (US 4966804). Hasegawa teaches a protective overcoat layer that is laminated to a printed medium to provide the medium with weather resistance properties. *See* Abstract. It would have been obvious to one of ordinary skill in the art to place a protective layer on the medium of Hirose, motivated by the desire of improving the water resistance (i.e., the weathering ability) of the layer, as taught by Hasegawa at col. 4, ll 38-50.

11. Claims 1-5, 7, 8, 10-12, 15-43 and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over of either Wallace (US 4889765) or the Tyvek® Product Bulletin in view of both Hirose (US 6203899) and the Luvicross® Product Bulletin. Both Wallace and the Tyvek® Product Bulletin disclose that spunbonded polyolefin substrates (e.g., Tyvek®) are porous, but are not naturally receptive to aqueous ink jet inks. *See* col. 1, ll 5-30 and the Tyvek® Product Bulletin (disclosing porosity values), respectively. Wallace additionally discloses that images placed on such materials are not necessarily rub resistant. *See* col. 1, ll 17-23. Both Wallace and the Tyvek® Product Bulletin, moreover, disclose that it is necessary to coat Tyvek® with an ink-receptive coating. *See* col. 1, ll 5-30 and the Tyvek® Product Bulletin, respectively. Hirose discloses a printing medium comprising, in order, (1) a base material, (2) an ink receiving layer, and (3) a surface layer. *See* Abstract. Hirose does not limit the type of material that may be used as the substrate and, though disclosing an example of paper, discloses that any known supports are suitable. *See* col. 7, ll 38-40. Hirose further teaches that its ink-receiving layer comprises a binder, inorganic pigments (e.g., alumina or silica) and/or organic pigments. *See* col. 5, ll 54-67. Hirose teaches that its ink-receptive coating and surface coating layers provide a recording material having improved glossiness and images with high optical density. *See* col. 2, ll 38-50. It would have been

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obvious to one of ordinary skill in the art at the time of the invention to use the Hirose ink-receptive coating on a spunbonded polyolefin support such as Tyvek®, motivated by the desire of providing a spunbonded polyolefin support with improved ink-receptive and ink retention properties, as disclosed by Hirose on col. 2, ll 38-50. While not limiting the filler particles which may be present in the ink-receptive coating, Hirose does not specifically disclose the use of particles comprising homopolymers or copolymers of polyvinylpyrrolidone or vinylimidazoles. The Luvicross® Product Bulletin teaches that its Luvicross VI or VI-M particles comprise copolymers of polyvinylpyrrolidone and vinylimidazole, and that they are used advantageously both as ink-fixing/solvent-fixing pigments and as components of coating formulations for ink jet papers and films. See Product Bulletin, pp 26 and 29. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the Luvicross® VI or VI-M particles as the organic particles in the ink-receptive coating of Hirose, motivated by the desire of providing a component that would function to fix ink jet ink printed thereon, as taught by the Luvicross® Product Bulletin on p 29.

With respect to claims 2-5, the experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. The ratio of organic to inorganic pigment in a receptive layer is a conventional concern in the art, for it controls the ink-receiving and optical properties of the layer. See Hirose at col. 5, ll 33-41. Consequently, it would be obvious to optimize. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney*, 205 USPQ 215. To date, this burden has not been sustained.

With regard to claims 15-17, the Luvicross® Product Bulletin discloses that its particles possess a size within applicant's claimed size. See Bulletin at p 27.

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With specific regard to claim 18, the experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. Porosity of a substrate is a conventional concern in the art, for it controls the ink-absorbing property of the substrate. Consequently, it would be obvious to optimize. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney*, 205 USPQ 215. To date, this burden has not been sustained.

With specific regard to claims 19-21, *see* col. 11, ll 26-56.

With specific regard to claims 28-32, since the Luvicross® particles are identical to the particles used by applicants, it is inherent the particles possess the claimed water absorbing capacity.

With specific regard to claims 32-34, Hirose discloses a coating weight of its surface layer within applicant's claimed ranges. *See* col. 11, ll 1-3.

With specific regard to claims 32-34, Hirose discloses a coating weight of its ink-receptive layer within applicant's claimed weight values. *See* col. 10, ll 55-57.

With regard to claim 35, it is obvious to provide an adhesive layer to *any* surface, motivated by the desire of laminating that surface to a secondary support.

With regard to claim 36, it is obvious to add perforations to any substrate, motivated by the desire of enabling the separation of the substrate.

With regard to claims 38-40, Hirose discloses a binder present in an amount within applicant's claimed ranges. *See* col. 6, ll 4-7.

With regard to claims 41-43, *see* col. 6, ll 1-3 and 4, ll 44-54.

With specific regard to claims 47-49, Hirose discloses that its ink-receiving layer may be imaged via an ink jet printing process using an aqueous ink. *See* col. 11, ll 26-60.

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Applicant argues that one skilled in the art would not look at Hirose in view of Wallace or the Tyvek® Product Bulletin to combine the substrate of Tyvek® with the structure of Hirose because Hirose teaches a base with differing absorption properties than either the Wallace or the Product Bulletin disclose with regard to Tyvek®. This argument is not found persuasive. It is still the position of the examiner that when taking Wallace or the Tyvek® Product Bulletin in view of Hirose (not Hirose in view of Wallace and the Product Bulletin as applicant suggests), one skilled in the art would readily appreciate that Tyvek® requires an ink-receptive coating, and that Hirose contemplates any substrate type, including those comprising synthetic fibers. *See* col. 10, ll 15-20.

12. Claims 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose (US 6203899) in view of the Luvicross® Product Bulletin, as applied to claims 11-5, 7, 8, 10-12, 15-43 and 47-49, above, in further view of Hasegawa (US 4966804). Hasegawa teaches a protective overcoat layer that is laminated to a printed medium to provide the medium with weather resistance properties. *See* Abstract. It would have been obvious to one of ordinary skill in the art to place a protective layer on the medium of Hirose, motivated by the desire of improving the water resistance (i.e., the weathering ability) of the layer, as taught by Hasegawa at col. 4, ll 38-50.

13. Claims 1 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over of either Wallace (US 4889765) or the Tyvek® Product Bulletin in view of Lambert (US 5861230). Both Wallace and the Tyvek® Product Bulletin disclose that spunbonded polyolefin substrates (e.g., Tyvek®) are porous, but are not receptive to aqueous ink jet inks. *See* col. 1, ll 5-30 and the Tyvek® Product Bulletin (disclosing porosity values), respectively. Wallace additionally discloses that images placed on such materials are not necessarily rub resistant. *See* col. 1, ll 17-23. Both Wallace and the Tyvek® Product Bulletin, moreover, disclose that it is necessary to coat Tyvek® with an ink-receptive coating. *See* col. 1, ll 5-30 and the Tyvek® Product Bulletin, respectively. Lambert teaches an ink jet receptive coating comprising a particulate polyvinylpyridine which provides a substrate with improved image properties such as a high

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gloss and smooth feel. *See* Abstract; col. 1, ll 40-43 and col. 7, ll 41-48. It would have been obvious to one of ordinary skill in the art to place the ink-receptive coating of Lambert on the Tyvek® substrate, motivated by the desire of providing the substrate with an ink-receiving layer having improved surface characteristics, as taught by Lambert on col. 7, ll 41-48.

### ***Conclusion***

14. It is noted that an IDS and a Supplemental IDS were submitted with the application. These IDSs, however, cannot be found within the file wrapper. Examiner respectfully requests additional copies of the IDSs be sent, so that the references may be considered.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Grendzynski whose telephone number is 703-305-0593. The examiner can normally be reached on weekdays, from 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 703-308-0449. The fax phone numbers for the organization where this

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application or proceeding is assigned are 703-305-5408 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.



Michael E. Grendzynski  
Assistant Examiner  
June 30, 2002

**BRUCE H. HESS  
PRIMARY EXAMINER  
GROUP 1300**